IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 3498 of 2007.

Sudhakar Krishnaji Pawar ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Prakash Naik, Advocate for the applicant.

Mr K. V. Saste, A.P.P for the State.

CORAM: V.C. DAGA,J.

DATED: 1ST NOVEMBER, 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused the application and material available on record.

3. The applicant is seeking bail under Section 439 of the Cr.P.C., arrested in C.R. No. 221 of 2007 registered with Vikhroli Police, Station for the offence punishable under Sections 326 (II), 114, 506 (I) of the I.P.C. upon a complaint lodged by wife of the applicant Smt. Hemlata Pawar.

4. The prosecution case is as under:

5. The marriage of complainant was solemnized with applicant without blessings of their parents since it was an inter-caste

marriage. From this marriage they have two children. On the day of the incident, applicant had assaulted complainant by means of hocky stick doubting her character since she was found talking on mobile phone with some other person. While assaulting, it appears that hocky stick was broken. Hence the accused started beating complainant by stick. Thereafter, he brought chopper from the house with a view to assault her and threaten her that he would not spare and kill her. The neighbours rushed to the spot. They rescued complainant from clutches of the accused. During assault by accused, complainant received two fracture injuries.

6. The investigation is almost complete. statements of neighbours are recorded. There is no necessity to continue detention of the present applicant in custody.

7. However, since the neighbouring persons have given statements against the applicant which were shown to me, and from the statements it is clear that the accused is a short tampered person and the possibility of the pressurising or threatening the witnesses cannot be ruled out. While releasing him on bail, with stringent terms and conditions will serve ends of justice.

8. Under these circumstances, applicant be enlarged on bail on executing personal bond in the sum of Rs.25,000/-with one surety in the like amount on following terms and conditions.

a) That the applicant-accused shall not enter into the village limits of Hariyali Vikhroli (E), Mumbai till the trial is over.

b) The applicant shall report to nearest Police Station twice in a week i.e. on every Monday and Saturday between 3.00 to 5.00 p.m. till trial is over.

c) The order of bail will be given effect only after the applicant furnishing to the Investigating Officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail.

d) The applicant shall not change his residential address till the conclusion of trial without prior written intimation to the Investigating Officer.

e] The applicant shall not, directly or indirectly, make any inducement or give threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

f] The applicant shall co-operate with the Investigating Agency in investigation.

g] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

h] Breach of any of the above conditions may result in cancellation of this order.

9. Application is disposed of in above terms.

(V.C. DAGA,J.)